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| APPLICATION NO.                       | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO |
|---------------------------------------|---------------|----------------------|----------------------|-----------------|
| 10/619,586                            | 07/16/2003    | Diana M. Trepanier   | 21066.00             | 7438            |
| 75                                    | 90 05/19/2004 |                      | EXAMINER             |                 |
| Richard C. Litman                     |               |                      | SHAW, ELIZABETH ANNE |                 |
| LITMAN LAW OFFICES, LTD.              |               |                      | ART UNIT             | PAPER NUMBER    |
| P.O. Box 15035<br>Arlington, VA 22215 |               |                      | 3644                 |                 |

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|  | 1. A. C.  |  |   |  |  |  |  |
|--|---|--|---|--|--|--|--|
| è  | ÷   | Application No.  | Applicant(s)  |  |  |  |  |
|  | ·   | 10/619,586   | TREPANIER, DIANA M.   |  |  |  |  |
| Office Action Summary  |   | Examiner   | Art Unit  |  |  |  |  |
|  |   | Elizabeth A. Shaw  | 3644  |  |  |  |  |
|  | The MAILING DATE of this communication app  | pears on the cover sheet   | with the correspondence address   |  |  |  |  |
| Period fo  |   |  |   |  |  |  |  |
| THE  <br>- Exter<br>after<br>- If the<br>- If NC<br>- Failu<br>Any (   | ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. It period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period are to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b). | 136(a). In no event, however, may a<br>ly within the statutory minimum of the<br>will apply and will expire SIX (6) Mo<br>e. cause the application to become | a reply be timely filed  nirty (30) days will be considered timely.  DNTHS from the mailing date of this communication.  ABANDONED (35 U.S.C. § 133). |  |  |  |  |
| Status   |   |  |   |  |  |  |  |
| 1)⊠  | Responsive to communication(s) filed on 16 July 2003.   |  |   |  |  |  |  |
| 2a)□   | This action is <b>FINAL</b> . 2b)⊠ This action is non-final.  |  |   |  |  |  |  |
| 3)   | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is   |  |   |  |  |  |  |
| closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.                                    |   |  |   |  |  |  |  |
| Disposit   | ion of Claims   | •  |   |  |  |  |  |
| 4)⊠ Claim(s) <u>1-20</u> is/are pending in the application.  |   |  |   |  |  |  |  |
| 4a) Of the above claim(s) is/are withdrawn from consideration.   |   |  |   |  |  |  |  |
| 5)⊠  | 5) Claim(s) <u>14-20</u> is/are allowed.  |  |   |  |  |  |  |
| 6)⊠  | ☑ Claim(s) <u>1-3,6-8 and 13</u> is/are rejected.   |  |   |  |  |  |  |
| •  | ☑ Claim(s) <u>4,5 and 9-12</u> is/are objected to.  |  |   |  |  |  |  |
| 8) 🗌   | Claim(s) are subject to restriction and/  | or election requirement.   |   |  |  |  |  |
| Applicat   | tion Papers   |  |   |  |  |  |  |
| ,—   | The specification is objected to by the Examin  |  |   |  |  |  |  |
| 10)[   | The drawing(s) filed on is/are: a) ac   |  |   |  |  |  |  |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).                      |   |  |   |  |  |  |  |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).     |   |  |   |  |  |  |  |
| 11)  | The oath or declaration is objected to by the E   | Examiner. Note the attach  | ned Office Action or form PTO-152.  |  |  |  |  |
| Priority   | under 35 U.S.C. § 119   |  |   |  |  |  |  |
| -  | <u>-</u>  | n priority under 35 U.S.C  | c. § 119(a)-(d) or (f).   |  |  |  |  |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: |   |  |   |  |  |  |  |
| 1. Certified copies of the priority documents have been received.  |   |  |   |  |  |  |  |
|  | 2. Certified copies of the priority documer   |  | n Application No  |  |  |  |  |
|  | 3. Copies of the certified copies of the pri  |  |   |  |  |  |  |
|  | application from the International Bure   |  |   |  |  |  |  |
| * See the attached detailed Office action for a list of the certified copies not received.                                   |   |  |   |  |  |  |  |
|  |   |  |   |  |  |  |  |
|  |   |  |   |  |  |  |  |
| Attachme   | nt(s)   |  |   |  |  |  |  |
| 1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)  Paper No(s)/Mail Date                               |   |  |   |  |  |  |  |
| 3) 🔯 Info  | ice of Draftsperson's Patent Drawing Review (PTO-948)<br>rmation Disclosure Statement(s) (PTO-1449 or PTO/SB/08<br>er No(s)/Mail Date <u>7/16/03</u> .  |  | of Informal Patent Application (PTO-152)  |  |  |  |  |
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### **DETAILED ACTION**

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Waugh, Jr. (D 372,563). Waugh, Jr. shows protective animal cover comprising a vest-like trunk cover having a front upper opening and a rear opening which extends from the chest front to a point in the vicinity of the rear of the rib cage; a neck cover having an upper opening and a lower opening, the covering extending downwards from the upper neck to the front upper opening of the trunk cover; the trunk cover having at least one lower front opening to receive the front legs of a pet; the trunk cover and neck cover being connected to form a body sock which covers the front portion of the pet's body to cover an exposed or gauze-dressed wound.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 6-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waugh, Jr. in view of Hibbert (6,070,557). Hibber shows a protective animal cover

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22 composed of a breathable elastic material which covers the front portion of an animal's body 20 having an upper opening 38, a rear opening 32 and two lower front openings 34, 36 to receive the legs of the pet. The openings have expandably stitched hems to accommodate the donning and removal of the garment. With respect to claim 3, to use the elastic material of Hibbert with the protective garment of Waugh, Jr. would have been obvious to one skilled in the art as a replacement of functional equivalents.

### Allowable Subject Matter

Claims 4, 5 and 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-20 are allowed.

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference on protective animal garments are: Spatt (6,234,117) and Ross et al (6,481,383).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 703-308-1853. The examiner can normally be reached on M-Th 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elizabeth A. Shaw

Examiner Art Unit 3644

May 17, 2004

CHARLES " (IORDAN

SUPERVISORY ALLEN EXAMINER